

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 786

Short Title: Emergency Management Changes. (Public)

Sponsors: Representatives Jones, Bell, Szoka, and Hunter (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

April 18, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES TO LAWS RELATED TO EMERGENCY MANAGEMENT,  
3 AS RECOMMENDED BY THE DEPARTMENT OF PUBLIC SAFETY.

4 The General Assembly of North Carolina enacts:

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6 **PART I. FLEXIBILITY FOR NORTH CAROLINA OFFICE OF RECOVERY AND**  
7 **RESILIENCY (NCORR) HOUSING FUNDING TO BE USED FOR MULTIFAMILY**  
8 **HOUSING**

9 **SECTION 1.1.** Notwithstanding any other provision of law or a provision of the  
10 Committee Report described in Section 6.1 of S.L. 2018-136, funds allocated to the Department  
11 of Public Safety, Office of Recovery and Resiliency, the Homeowner Repair and Rehabilitation  
12 Fund, may be used for the development of affordable rental and owner-occupied single and  
13 multifamily housing.

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15 **PART II. EXPAND USE OF HURRICANE MATTHEW DISASTER RELIEF ACT**  
16 **(DRA) FUNDS TO SUBSEQUENT DISASTERS AND ALLOW THOSE FUNDS TO BE**  
17 **USED BEFORE A SURVIVOR IS FOUND TO BE INELIGIBLE FOR OTHER**  
18 **RESOURCES**

19 **SECTION 2.1.** Section 2 of S.L. 2017-119 reads as rewritten:

20 "SECTION 2. Applicability. – (a) Except as provided in subsection (b) of this section, this  
21 act applies in the North Carolina counties that were any of the following:

- 22 (1) Declared a major disaster by the President of the United States under the  
23 Stafford Act (P.L. 93-288) as a result of Hurricane Matthew, wildfires in the  
24 western part of the State, Tropical Storm Julia, ~~or~~ Tropical Storm  
25 ~~Hermine~~.Hermine, or any subsequent storm.  
26 (2) Part of the emergency area set forth in any of the following gubernatorial  
27 executive orders: Executive Order No. 97 (September 1, 2016), Executive  
28 Order No. 103 (September 22, 2016), Executive Order No. 107 (October 3,  
29 2016), Executive Order No. 115 (November 16, 2016), or Executive Order  
30 No. 116."

31 **SECTION 2.2.** Section 4 of S.L. 2017-119 reads as rewritten:

32 "SECTION 4. Limitation. – The Governor may not use the funds described in this act to  
33 make budget adjustments under G.S. 143C-6-4 or to make reallocations under  
34 G.S. 166A-19.40(c). Nothing in this act shall be construed to prohibit the Governor from



1 exercising the Governor's authority under these statutes with respect to funds other than those  
2 described in this act.

3 The Governor shall also ensure that funds allocated in this act are expended in a manner that  
4 does not adversely affect any person's or entity's eligibility for federal funds that are made  
5 available, or that are anticipated to be made available, duplicate federal disaster benefits already  
6 provided to a person or entity as a result of Hurricane Matthew, the western North Carolina  
7 wildfires, or Tropical Storms Julia and ~~Hermine~~. The Governor shall also, to the extent  
8 practicable, avoid using State funds to cover costs that will be, or likely will be, covered by  
9 federal funds. Hermine, or any subsequent storm."

### 10 11 **PART III. PROVIDE FLEXIBILITY FOR HURRICANE MATTHEW AND** 12 **HURRICANE FLORENCE DRA FUNDS TO BE USED AT ALL INCOME LEVELS**

13 **SECTION 3.1.** Section 1 of S.L. 2017-119 reads as rewritten:

14 "SECTION 1. If Senate Bill 257 of the 2017 Regular Session becomes law, one hundred  
15 million dollars (\$100,000,000) reserved as Supplemental Disaster Recovery Funds in that act  
16 shall be allocated as follows:

- 17 (1) Housing. – Twenty-five million dollars (\$25,000,000) to be allocated to the  
18 following agencies and entities for housing-related matters:
- 19 a. Twenty million dollars (\$20,000,000) to the Department of Public  
20 Safety, Division of Emergency Management, for the following:
- 21 1. For repair of owner-occupied ~~low to moderate income~~  
22 housing not covered by Community Development Block Grant  
23 Disaster Recovery Program funding.
  - 24 2. For repair of ~~low to moderate income~~ rental housing not  
25 covered by Community Development Block Grant Disaster  
26 Recovery Program funding.
  - 27 3. To be used for housing elevation, acquisition, and mitigation  
28 reconstruction for homes not covered by Hazard Mitigation  
29 Grant Program.
  - 30 4. To provide State Acquisition Relocation funds, which enable  
31 ~~low to moderate income~~ homeowners to purchase homes.
  - 32 5. To provide flood insurance subsidies.
  - 33 6. To provide temporary housing for storm victims.
  - 34 7. To hire Community Development Specialists to administer  
35 programs authorized under this act and under S.L. 2016-124.
  - 36 8. To provide repairs to public housing in Princeville and  
37 Lumberton."

38 **SECTION 3.2.** Section 5.6(b) of S.L. 2018-5 reads as rewritten:

- 39 "(5) Housing. – Twenty-five million fourteen thousand seven hundred seventy-six  
40 dollars (\$25,014,776) to the Department of Public Safety, Division of  
41 Emergency Management, for the following housing-related matters:
- 42 a. To be used for housing elevation, acquisition, and mitigation  
43 reconstruction for homes not covered by Hazard Mitigation Grant  
44 Program.
- 45 b. To provide State Acquisition Relocation funds, which enable ~~low to~~  
46 ~~moderate income~~ homeowners to purchase homes.
- 47 c. To provide flood insurance subsidies."

### 48 49 **PART IV. AUTHORIZE LOCAL GOVERNMENTS TO UTILIZE THE STATE POOL** 50 **OF PREQUALIFIED CONSTRUCTION CONTRACTORS FOR REBUILDING** 51 **EFFORTS WHERE THE LOCAL GOVERNMENT IS CARRYING OUT THIS TASK.**

1           **SECTION 4.1.** G.S. 166A-19.15(f)(1) reads as rewritten:

2           "(1) To appropriate and expend funds, make contracts, obtain and distribute  
3           equipment, materials, and supplies for emergency management purposes and  
4           to provide for the health and safety of persons and property, including  
5           emergency assistance, consistent with this Article. This authority includes  
6           awarding contracts for the repair, rehabilitation, or construction of private  
7           residential structures funded by State or federal funds following a disaster  
8           declared by the Governor under G.S. 166A-19.21 covering the political  
9           subdivision. Notwithstanding Article 8 of Chapter 143 of the General Statutes,  
10           a political subdivision is authorized to contract directly with contractors  
11           prequalified by the Division pursuant to 166A-19.12(23) on the basis of price,  
12           qualification, capacity, and any other objective criteria established by the  
13           political subdivision."

14           **SECTION 4.2.** G.S. 143-129(e) reads as rewritten:

15           "(e) Exceptions. – The requirements of this Article do not apply to:

16           ...

17           (13) Contracts for disaster recovery private residential construction or repair  
18           awarded pursuant to G.S. 166A-19.12(23) and 166A-19.15(f)(1)."

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20           **PART V. REVISE THE DISASTER RECOVERY ACT OF 2016 TO ACCURATELY**  
21           **REFLECT HOW FUNDING AND REIMBURSEMENT WORKS IN THE COMMUNITY**  
22           **DEVELOPMENT BLOCK GRANT FOR DISASTER RECOVERY PROGRAM**

23           **SECTION 5.1.** Section 5.11.(a) of S.L. 2016-124 reads as rewritten:

24           "**SECTION 5.11.(a)** Notwithstanding any other provision of law, all Community  
25           Development Block Grant Disaster Recovery ~~Program funds awards~~ received by the Department  
26           of Commerce by the State in response to the declarations and executive orders described in  
27           Section 3.1 of this act, or in subsequent federally declared disasters, shall be transferred to  
28           the Emergency Management Division of administered by the North Carolina Office of Recovery  
29           and Resiliency of the Department of Public Safety. Safety, including circumstances where the  
30           designated grantee is an agency other than the North Carolina Office of Recovery and  
31           Resiliency."

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33           **PART VI. TYPE III DISASTER DECLARATION EXTENDED**

34           **SECTION 6.1.** Pursuant to G.S. 166A-19.21(c)(3), the Type III disaster declaration  
35           as defined by G.S. 166A-19.21(b)(3) and issued by Executive Order 120, dated December 9,  
36           2016, is extended for an additional 24 months.

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38           **PART VII. EFFECTIVE DATE**

39           **SECTION 7.1.** This act is effective when it becomes law.